

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARK BUMPHUS EL, JR., )  
                            )  
Petitioner,             )  
                            )  
v.                         )                          1:16CV332  
                            )  
FRANK PERRY,             )  
                            )  
Respondent.             )

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on May 4, 2016, was served on the parties in this action. (ECF Nos. 2, 3.) Petitioner filed a document entitled “Avernment of Jurisdiction” which the Court has construed as an Objection to the Recommendation. (ECF No. 4.)

The Court has appropriately reviewed the portions of the Magistrate Judge’s report to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge’s report. The Court therefore adopts the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that this action be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current

Petition. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 1<sup>st</sup> day of June, 2016.

/s/ Loretta C. Biggs  
United States District Judge